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Towards the Establishment of a League of Nations Early Efforts in Both Americas

A lecture delivered before the
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by

Francisco Tudela
Envoy Extraordinary and Minister Plenipotentiary of Peru
Washington, D. C.

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Early Efforts in Both Americas Towards the Establishment of a League of Nations

Scepticism, the strongest obstacle to the progress of humanity, having been overcome, a wonderful achievement has just been effected under the auspices of the eminent President of the United States. The great powers of the world have been brought together in an accord to secure the peace of the world—no longer on the selfish basis of alliances, or on foundations, equally selfish and always deceptive, for the maintenance of political equilibrium, but on the bed-rock of Right and Justice.

In the presence of such an achievement it will be opportune to look back through the past history of America, so as to realize the struggles which were carried out on our continent for the purpose of obtaining the rights which seem now within our reach.

This meeting of the Hispanic American Atheneum is a very appropriate occasion for such reminiscences, because it deals with the achievements of our nationalities, which, having attained their Independence almost at the same time, and likewise as a result of one great effort, understood that they were called upon to establish among themselves a different political system from the Rule of Might which obtained in Europe.

Different Aspects of International Life in Europe and America

These American countries understood that the seeds of war which laid waste the Old World could not exist in the new, because neither the traditional rivalry of race nor ambition for territorial expansion were to be found in these newly formed governments.

Neither was it necessary to obtain the triumph of justice over the promptings of hate and lust of conquest, at the price of such an immense sacrifice as that which has just shaken humanity to its very foundations. It was for this also that the far-seeing statesmen who brought liberty to the peoples of America endeavoured to secure for them likewise the establishment of permanent peace founded on their rights.

A Proclamation by San Martin

The illustrious Argentine general, San Martin, after having struggled to secure the independence of his own country and that of Chile, and when about to undertake the campaign for the liberation of Peru, spoke, in his proclamation to the Peruvian people in 1818, on the "Perpetual Federation" of the new States, which was to secure their independence still further by means of laws which would be passed by a "Central Congress."

General Bolivar's Plan

Bolivar, the Liberator, then at the head of the Government of Peru, writing from Lima on the 7th of December, 1824, two days before the Battle of Ayacucho, which definitely established the independence of America, invited the Republics of the continent to send representatives to the Isthmus of Panama, for the purpose of celebrating a general assembly which would establish a Congress of Plenipotentiaries "* * * to advise in moments of great importance; to serve as a point of contact in common danger; to be the faithful interpreter of public treaties when difficulties should arise, and be the conciliator when differences occurred."

The Congress of Panama, 1826

The result of this invitation was the Congress which took place in Panama in 1826, and at which representatives from Colombia, Central America, Peru and Mexico were present. The result of their labours on this occasion was a treaty of "Union, League and Perpetual Confederation," which entered into the following engagements:

"The high contracting parties agree and solemnly contract to accommodate among themselves the differences which may exist at the present time or may arise in the future among any one of them; in case it should not be possible for the parties at odds to settle their disagreements among themselves, the case shall be taken to the Assembly, whose decision shall not be compulsory, unless the above-mentioned parties shall explicitly agree thereon. Whatever the causes of the complaint, grave injury, or other motives, which one of the contracting parties may allege against one or several, none of them shall be allowed to declare war, nor to engage in acts of reprisal against the republic

which is understood to be the aggressor, without first bringing the case, strengthened by the necessary documents and proofs and with a detailed exposition of the same, for the conciliatory decision of the General Assembly.

"In case one of these confederate powers should find it necessary to declar war or to engage in hostilities against a power which is not a member of the Confederation, she will first have to solicit the good offices, the intervention or the mediation of her allies, and these are obliged to use their endeavours in the most efficacious manner possible. Should this intervention not be sufficient, the Confederation will have to decide whether or no it undertakes the case of the member of the Federation, but even though it should not undertake it, under no pretext, or for any reason, shall it side with the enemy of the federated nation.

"Any one member of the contracting parties which would engage in hostilities against another, contrary to the agreement contained in the three preceding articles, or which fails to carry out the decisions of the Assembly, after having agreed to submit thereto, shall be excluded from the Confederation, and shall not be readmitted as a member of the League without the unanimous vote of all the members.

"In case one of the parties should request from the Assembly counsel on any matter of importance or on some serious case, the verdict must be the outcome of the sincerity, good faith and the interest required by fraternity.

"The contracting parties are agreed and solemnly undertake to maintain and defend the integrity of their respective territories, effectively opposing such settlements as may be attempted therein without the necessary acquiescence and authorization of the governments to which they belong, binding themselves to employ their forces and resources in common, if need be, for that purpose.

"The contracting parties mutually guarantee among themselves the integrity of their territories, when, by virtue of particular agreements which they may undertake between each other, the respective frontiers shall have been fixed and outlined, the guarding of which shall be placed under the protection of the Confederacy."

The efficacy of the foregoing stipulations cannot be questioned. The pacific means for the solution of outside conflicts

were thus agreed upon; conciliation first, and secondly the decision of the Assembly, should the parties have appealed to it. But where the efficacy of the agreement was more apparent was in clauses 21 and 22, which established the absolute and reciprocal guarantee of the integrity of their respective territories, and the compelling action of the associated forces to make it effective.

Unfortunately, the foresight of the statesmen who drafted these beneficial statutes was not adequately seconded by the Governments which immediately succeeded them, and their praiseworthy endeavours remained in abeyance for some time.

The Congress of Lima, 1847-48

To the Government of Peru once more belongs the honour of having initiated and brought to a successful termination the meeting of the Second American Congress, whose sessions took place in Lima, in the years 1847 and 1848, representatives from Bolivia, Chile, Ecuador, New Granada and Peru being present.

The first treaty agreed upon by these plenipotentiaries established the "Union, League and Confederacy" of the States which were represented, "for the maintenance of the independence and sovereignty of all and each one of them, for the integrity of their respective territories, and for the confirmation therein of their dominion and empire, as well as their protection from offense or unlawful aggression," it being decided in article 10 of the same treaty that:

"Should any unforeseen difference arise between any two or more of these confederate Republics, or questions or disagreements which might disturb the peaceable relations and the harmony which should exist between them; and should it have been impossible to satisfactorily conclude these differences or disagreements by means of diplomatic correspondence or negotiations, the Congress of Plenipotentiaries shall tender its good offices and shall endeavor to procure that the republics in question enter into an agreement to secure a continuance of their harmonious relations. But should this intervention not prove sufficient to end their differences, the Congress of Plenipotentiaries shall constitute itself as umpire and, hearing the statement of the motives upon which the respective pretensions are based, shall give its verdict, which shall be punctually carried out by the said republics;

and should one of these refuse to recognize the verdict, the others shall suspend, as far as she is concerned, all duties of neutrality, without prejudice to the further means which the Congress may see fit to adopt to make its decisions effective and to make the refractory Republic feel the consequences of its unfaithfulness to the compact."

The foregoing stipulations signified a very real guarantee of peace, since the Congress of Plenipotentiaries could make use of the fullest means to make its decisions respected, the efficacious nature of which was secured by the joint action of the associated nations.

The Continental Treaty of 1856

Another endeavour destined to secure the establishment of a League of Nations in America was the Continental Treaty celebrated in Santiago de Chile at the instance of the Peruvian Government between Chile, Peru and Ecuador in 1856.

This agreement, to which, in accordance with its preamble, entrance was open to the other American States, established the Congress of Plenipotentiaries, possessing rights and the necessary powers to offer its mediation through the member or members of its Association which might be designated, in case of differences between the contracting States, none of which was at liberty to refuse this mediation.

Second Congress of Lima, 1864-65

The American Congress, which met in Lima in 1864-1865, was even more important than its forerunners, both in regard to the precision of its verdicts and from the number of countries which took part in it.

Accepting the invitation of the Government of Lima, the representatives of Bolivia, Colombia, Chile, Ecuador, Salvador and Venezuela met those of Peru and subscribed a treaty of "Alliance and Defense," by means of which they " * * * mutually guaranteed their independence, their sovereignty and the integrity of their territories," and also a Convention on "the Keeping of Peace," agreeing " * * * never to have recourse to arms as a means of putting an end to their differences, but employing for that purpose peaceful measures only and submitting to the unquestioned decision of an arbitrator when they could not agree in any other

way." The efficiency of the agreement was secured by the following stipulations:

"When the interested parties cannot agree upon the appointment of an arbitrator, this shall be decided by means of a special meeting of the Assembly of Plenipotentiaries appointed by the contracting States, equal in number at least to the majority of these nations.

"The meeting shall take place in the territory of any of the nations, neighbours of the State which shall first have requested the appointment of an umpire.

"Only when the Assembly of Plenipotentiaries shall be constituted in session according to the rules specified in article 10 of the Treaty of Union and Alliance of this date, shall the Assembly have the right to appoint arbitrators upon demand, in accordance with the stipulations of the preceding article.

"Should one of the contracting parties refuse or evade the appointment as arbitrator, the other will be at liberty to approach the Governments of the allied States, who will then take into consideration, each one for itself, the particular aspects of the case, and will endeavor to obtain the compliance of the recalcitrant party towards carrying out the stipulations of Article 1.

"When the interested parties shall not have decided in advance with regard to the manner of exhibiting their rights, it shall devolve upon the arbitrator to determine the process."

The state of war between Peru and Spain, which, in December, 1865, originated the treaty of alliance between Peru and Chile, and to which Ecuador and Bolivia adhered, contributed no doubt to the failure to carry out the stipulations of the American Congress which was celebrated a few months earlier. But these stipulations, nevertheless, are a proof of a praiseworthy advance towards fraternal union and continental peace.

The Peru-Bolivian Treaty of Alliance of 1873

Although the treaty of alliance which has just been mentioned contained a clause which made it applicable to all American countries, its purpose was limited to the conflict which had arisen with Spain, and it did not include stipulations of a general nature applicable to a solution of their own continental problems.

From this point of view the treaty of alliance between Peru and Bolivia, subscribed in 1873, was more comprehensive, since it con-

tained the same clause, making it extensive to other American countries—which was put into practice when the entry of the Argentine Republic was solicited—and at the same time laid down general principles for the solution of conflicts in which the signatories might find themselves involved.

The principal object of this compact, besides the points of mutual defense, of independence and sovereignty which it contained, was the reciprocal guarantee of their respective territories. Its nature was only defensive, and was not also offensive, as was the treaty subscribed between Peru and Chile in 1865; Art. 3 says that * * * “both parties recognizing that every legitimate action of alliance must take its rise in a due sense of justice, the right is established for each of them, respectively, to decide if the offense received by the other is included among such as are stipulated in the preceding article.”

“The contracting parties likewise undertake,” says Art. 8, “to employ in preference, and whenever possible, all conciliatory measures so as to avoid an outbreak of hostilities, or to put an end thereto should they have broken out already. It being agreed that the most effective means to attain this purpose is arbitration by a third Power.”

The War of 1879

This was the treaty between Peru and Bolivia of 1873, the last agreement subscribed to in America with continental tendencies and based upon the guarantee of territorial integrity. Although it was designed to avoid the recognition of the principle of Right of Conquest in this hemisphere, it did not, unfortunately, succeed in being generally recognized. Chile attacked Bolivia in 1879, and, when Peru stepped forward to conciliate the question, it was likewise drawn into the conflict, Chile invoking, to justify her declaration of war, precisely the existence of this treaty of alliance.

The Secret Nature of the Treaty of 1873

The secret nature of this treaty was not only in accordance with the diplomatic requirements of the times, but was amply justified by the reserve necessary for negotiating the adherence thereto of other countries, as provided in the text, and to prevent the intrusion of adverse interests and the possible defeat of the purpose of the Governments negotiating it.

Chile in 1847 Endeavours to Obtain the Secrecy of the Resolutions Adopted by Congress

When the Chilean plenipotentiary in 1847 proposed to the Congress of Lima that the resolutions as well as the discussions of that same congress should be kept secret, the disquieting prospect, which was apparent in 1873, had not arisen in America. It was for this reason, no doubt, that the proposal was not accepted by the representatives of the other nations, although it was not denied that the idea harmonized with the necessity for keeping such matters secret, as was then the practice in diplomatic negotiations.

Novel Situation in America

The war of 1879, which was declared by Chile against Bolivia and Peru, and which ended by the loss to these latter countries of their rich nitrate-bearing coast, gave rise to a totally new era relative to the formation of a League of American nations, on the basis of the guarantee of territorial integrity.

Final Effort of Colombia

Colombia deserves all honor for having made an effort to secure International American Unity during this war of 1879, inviting the nations, in 1880, to a Congress, which was to take place at Panama the following year. The reason for this invitation was the ample treaty of arbitration which that country had celebrated with Chile. But Chile not only refused to ratify this treaty of arbitration, but likewise declared that it would not send representatives to the Panama Congress, and at the same time began an active diplomatic campaign which effectively frustrated the generous initiative of Colombia.

Action by the United States

With reference to the new era of which mention has previously been made, the principal part therein has fallen to the United States Government which, in 1823, by means of the celebrated Monroe doctrine, had secured a territorial guarantee for this continent against European encroachments, after having formed its own political organization on the pattern of a perfect League of Free Nations; for this, indeed, is what the great American Republic really is, since, according to its constitution, it is an aggregation of independent governments, linked by a general agreement which ensures their reciprocal intercourse

being conducted peaceably and allows them the amplest means for progress.

The First Pan-American Conference Condemns the Principle of Conquest and Chile Abstains from Voting

At the invitation of the Government of the United States the first Pan-American Conference took place in Washington in 1889, and, after arbitration had been adopted as a means of terminating differences—the delegates from Chile having abstained from voting—the following declaration was proposed:

First—That the principle of conquest shall not, during the continuance of the treaty of arbitration, be recognized as admissible under American public law;

Second—That all cession of territory made during the continuance of the treaty of arbitration shall be void if made under threats of war or the presence of an armed force;

Third—Any nation from which such cessions shall be exacted may demand that the validity of the cessions so made shall be submitted to arbitration;

Fourth—Any renunciation of the right to arbitration made under the conditions named in the second section shall be null and void.

The Act of the 18th of April, 1890, says:

"It having been unanimously agreed to accept these four articles in substitution of the agreement previously presented, and which was under discussion, the votes were taken with regard to these articles, which were unanimously approved."

The delegations which voted were Haiti, Nicaragua, Peru, Guatemala, Colombia, Argentina, Costa Rica, Paraguay, Brazil, Honduras, Mexico, Bolivia, United States, Venezuela, Salvador and Ecuador.

Chile abstained from voting on the measure.

Chile Seeks, by Combating Arbitration, to Defend her Conquests

With these antecedents, the preparation of the programme of arrangements for the meeting of the Second Pan American

Conference of 1901 gave rise to a lengthy discussion, originated by the Government at Santiago, with the object of securing that the matters which were to be the subject of debate should be defined in advance, so that it should not be possible to “* * * discuss and adopt resolutions of importance on matters which were not included in the programme of invitation.”

These restrictions, and especially those relative to the adoption of arbitration as a means of solving *only those questions which might arise in the future*, without reference, in any case, to questions actually pending, rendered of no avail, from the the point of view of the establishment of a general continental and political régime, not only the Congress of Mexico in 1901, but also the Pan American Congresses of Rio Janeiro in 1906 and Buenos Aires in 1910.

The interests which were created as a result of the War of the Pacific, which introduced the principle of the Right of Conquest in America, made an unanimous agreement between the peoples of the continent a matter of impossibility.

The Present Situation

Today we are confronted by a new prospect. Now it is not America alone, but the whole world which is horrified at the results of this criminal war which, like all wars, has been the fruit of ambition and the lust for supremacy and conquest, and which makes the definite organization of an international society necessary, erected upon foundations which will make a repetition of such occurrences impossible.

The United States, which gave their decisive assistance to the cause of Liberty and of Right, have obtained, through their illustrious President, Woodrow Wilson, the most complete triumph in effecting this organization.

The civilized world awaits with anxiety the celebration of the important event, a new gospel of justice, which will secure for all time Peace and Concord between peoples.

The nations of America, whose aspirations and hopes in this direction have been hastily sketched in this brief summary which I have just read, offer the tribute of their praise to the benefactors of humanity.



